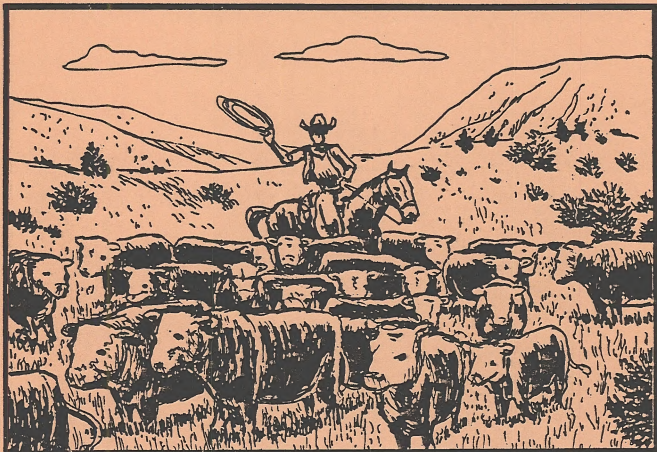


GRAZING ADMINISTRATION

Grazing Management



BLM Manual Handbook H-4120-1

19



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DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MANUAL TRANSMITTAL SHEET

Release	4-73
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Subject

H-4120-1 - GRAZING MANAGEMENT

1. Explanation of Material Transmitted: This BLM Manual Handbook provides procedural direction and standards for cooperative management agreements, allotment management plans, range improvements, and other aspects of grazing management on the public lands based on the provisions of 43 CFR 4120.
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3. Material Superseded: None.
4. Filing Instructions: File as directed below, immediately following the Manual Section.

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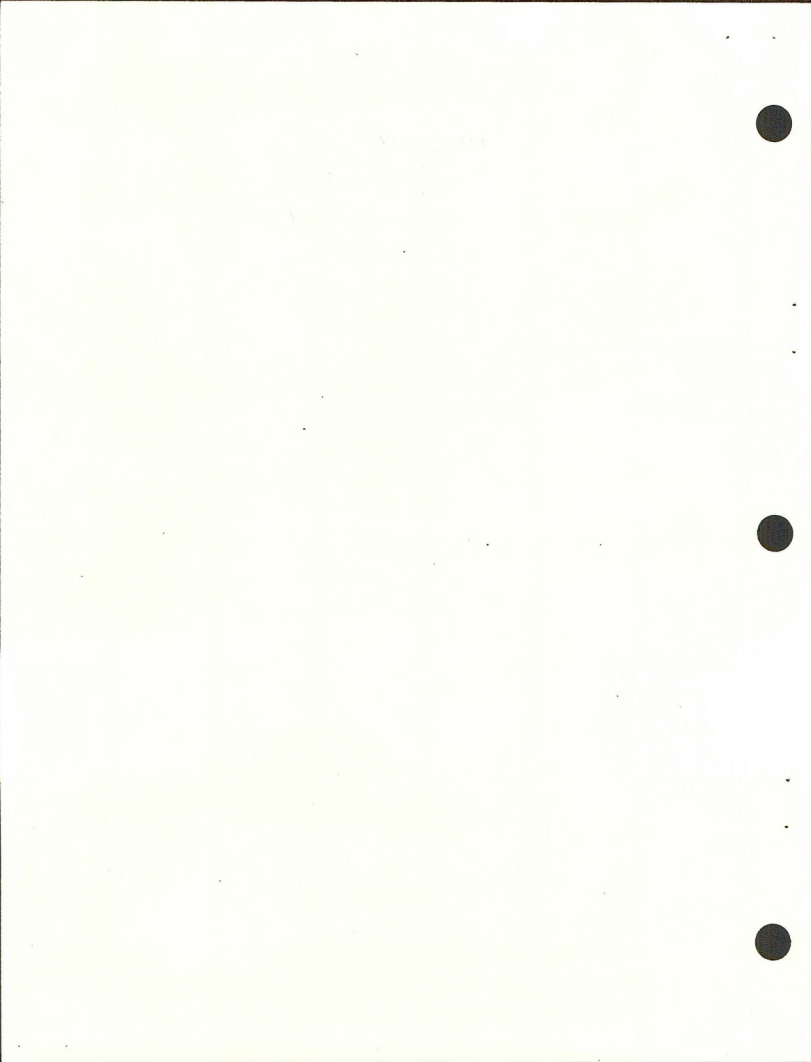
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.1 Cooperative Management Agreements. The authorized officer may enter into a cooperative management agreement (CMA) with a permittee, lessee, or association when the livestock operator has demonstrated exemplary rangeland management practices. (See 43 CFR 4120.1(a).) Other criteria for use in deciding when to enter into a CMA are found in .11C below. The agreement must establish objectives, responsibilities, and performance standards of the cooperating parties in managing and using the public lands for livestock grazing. (See 43 CFR 4120.1(a)(1).) The agreement must provide for flexibility (within the terms and conditions of the agreement) for the cooperator to make livestock grazing decisions on the allotment.

.11 Use of CMA's.

A. Documentation. A CMA is a formal, written agreement between the BLM and a permittee or lessee that recognizes the cooperator as the steward of an allotment. The agreement must establish the duties and performance standards of the cooperator and the BLM for managing livestock grazing in the allotment. These objectives may include improvement of fish and wildlife habitat, wild horse or burro habitat, watershed conditions, recreation opportunities, or any other authorized use or value of the public lands. Allotment objectives, and the cooperators' management flexibility are documented in the agreement.

The agreement must provide for the periodic evaluation by the authorized officer to determine the cooperators performance and effectiveness of grazing practices in achieving the specific management objectives. (See 43 CFR 4120.1 (c).)

The agreement does not give the cooperator the authority to exclude or limit other authorized uses of the public lands nor does it exempt persons from laws and regulations governing public land use. Range improvements constructed by the cooperator must be approved by the BLM prior to construction to assure their consistency with management objectives.

B. Nominations and Selection for CMA's. The authorized officer requests District Grazing Advisory Boards, Multiple-Use Advisory Councils, Soil Conservation Districts, State and Federal Wildlife Agencies, Conservation Groups, and other public land interest groups, and individuals to nominate permittees or lessees for CMA's. These same interest groups may be requested to comment on the nominated or potential CMA's. District Grazing Advisory Boards and Multiple Use Advisory Councils are asked to review the nominations and to recommend approval of the agreements. Where an Advisory Board or Council does not exist, or if the authorized officer believes it would enhance the objectivity of the selection process, another group may be asked to review the nominations.

C. Criteria for Implementing CMA's. Permittees or lessees using "M" category allotments are eligible for CMA's when it is in the best interest of sound land-use management. (See Manual Section 1621.) Additional criteria are:

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- A final livestock grazing environmental impact statement has been completed and the associated land-use plan for the area has been approved. Exceptions to this criterion may occur where allotments are known to be in good to excellent condition and without resource use conflicts.

- The present cooperator has operated on the allotment for sufficient time to have demonstrated good rangeland management practices and to be recognized by others as a responsible land steward.

- Agreement can be reached between the BLM and the cooperator on the objectives, terms, and conditions of the CMA.

- The District Grazing Advisory Board and Multiple-Use Advisory Council (where formed) recommend approval of the agreement with the cooperator.

- The cooperator agrees to contribute toward the construction of range improvements. The BLM may provide total or partial funding for the improvements when their construction is within District priorities.

D. Relation of CMA's to Land-Use Plans. CMA's must be consistent with, and incorporate by reference, all applicable provisions of existing land-use plans and the terms of the authorization issued to the cooperator to graze livestock on the allotment(s). (See 43 CFR 4120.1(a)(2).)

E. Relation of CMA's to Allotment Management Plans (AMP's). Permittees or lessees selected for CMA's may be operating under an AMP. The CMA may incorporate the objectives of the AMP, but must provide the permittee/lessee with special recognition and an opportunity to exercise additional management flexibility.

F. Tenure. CMA's have a tenure period of 10 years, and at the discretion of the authorized officer, may be renewed. (See 43 CFR 4120.1(b)). CMA's must receive joint evaluation at the end of the first 5 years to determine if the management objectives are being met. Results of that evaluation should be made available to interested parties requesting the results. If that evaluation shows that the objectives are being successfully met, a new CMA and 10-year permit or lease is issued. If the objectives are not being met, the cooperator is allowed a reasonable time to make the necessary adjustments to comply with the objectives before the agreement terminates. Failure of the cooperator to meet the terms and conditions of the CMA may be a basis for cancellation of the CMA.

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G. Transfer of Agreements. CMA's may be transferred by operation of law, e.g., inheritance or probation of a will. If the cooperating party is a corporation or partnership, the CMA may, upon notice to the authorized officer, also be transferred as an incident to any change of less than 100 percent in the business organization. All other transfers of CMA's are prohibited, and must result in their automatic termination. (See 43 CFR 4120.1(d).)

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.2 Allotment Management Plans. The AMP's are documents which prescribe the manner in and extent to which livestock grazing is conducted and managed to meet multiple use, sustained yield, economic, and other needs and objectives as determined through land-use plans. (See 43 CFR 4100.0-5 and 4120.2.)

.21 Use of AMP's. The level of an AMP may vary from a simple documentation of existing management to a complex plan for grazing management and range improvement, depending on resource conditions and the objectives for management. The authorized officer must ensure that the objectives, decisions, and actions reflected in land-use plans and rangeland program summaries guide and control the development of AMP's.

A. Relationship to Land-Use Plans and Rangeland Program Summaries. The authorized officer must ensure that the objectives, decisions, and actions reflected in land-use plans and rangeland program summaries (RPS) guide and control the development of AMP's.

B. Components of AMP's. As a minimum, the AMP's must contain information on resource management objectives, descriptions of grazing practices, range improvements (as needed to implement the grazing practices), flexibility, monitoring, and evaluation. It may also be desirable to include a brief discussion on specific arrangements for consultation and coordination with the permittee or lessee and other interests.

C. Consultation. As required by Section 8 of the Public Rangelands Improvement Act (PRIA) of 1978, AMP's are prepared or revised in careful and considered consultation, coordination, and cooperation with the affected permittees or lessees; the State (if there are State-owned lands in the allotment); other land owners who may be affected; and other affected interests. (See 43 CFR 4120.2(a).)

D. Interdisciplinary Coordination. The AMP's must be prepared with the appropriate participation by the various resource specialists. Early interdisciplinary participation in AMP development will ensure that resource management objectives identified in land-use plans are properly considered in the selection of allotment specific management actions. In addition, such participation provides a means of identifying mitigating measures to avoid or minimize adverse impacts on other resources and values.

E. Consultation with Advisory Boards. Grazing advisory boards must be given an opportunity to provide advice and recommendations concerning the development of AMP's.

F. Private and State Lands in AMP's. Careful consideration should be given to the inclusion of private and State lands in AMP's.

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G. Other Agency Coordination. Other resource management agencies with management responsibilities, expertise, or interest in the range resource must be consulted as appropriate during the development of AMP's.

H. AMP Investment Analysis. An economic (benefit/cost) analysis must be conducted concurrently with the preparation of each AMP that involves an investment. (See BLM Manual Section 9521.3.)

I. Environmental Assessment. New AMP's are approved and implemented when an environmental impact statement has been prepared for the livestock grazing program for the area. If the actions to be included in an AMP (including supporting range improvements), have not been analyzed in an EIS, the authorized officer assesses environmental concerns using categorical exclusions, programmatic environmental assessments, or site-specific environmental assessments.

J. Incorporating AMP's into Grazing Permits and Leases. All grazing permits or leases incorporating AMP's contain the normal operation in terms of the kind and numbers of livestock, periods of use, and animal unit months (AUM's) grazed during the grazing fee year. Other terms and conditions of the AMP are incorporated into the permit or lease by reference in a stipulation.

Incorporating AMP's into Existing Grazing Permits or Leases. If grazing permits or leases have been issued prior to the preparation of AMP's, the authorized officer incorporates the terms and conditions of the completed AMP's into the grazing permits or leases through agreement.

Issuing Decisions to Incorporate Grazing Management Systems into a New Grazing Permit or Lease. If the permittee or lessee refuses to accept a new permit or lease containing the terms and conditions of an AMP, the authorized officer issues a decision incorporating a grazing management system(s) in the permit or lease to be offered. The decision must be issued in accordance with the procedures set forth in 43 CFR 4160.

K. Implementing AMP's. AMP's are considered implemented when they have been incorporated into the permit or lease through acceptance by the permittee or lessee of an offered permit or lease containing the terms and conditions of the AMP. However, AMP's may not always be fully operational until the supporting improvements and the grazing system have been initiated. Interim terms and conditions required to prevent resource damage and minimize conflicts until AMP's are fully operational may be incorporated into permits and leases.

L. Revising AMP's. The AMP's must be reviewed periodically to determine their effectiveness in improving or maintaining resource conditions in the allotment. The AMP's are revised when evaluations indicate that the grazing management actions are not accomplishing AMP objectives or when the revision would correct operational deficiencies.

.3 Range Improvements. The BLM's range improvement program uses structures, developments, and treatments in concert with grazing management to rehabilitate, protect, and improve the public lands; arrest range deterioration; and improve forage condition, fish and wildlife habitat, wild horse and burro habitat, watershed protection, livestock production, and other resource parameters in harmony with resource management objectives. Permittees or lessees who fail to comply with any of the provisions of 43 CFR 4120.3 and/or any requirements or stipulations of specific Cooperative Agreements or Range Improvement Permits are subject to penalty action under 43 CFR 4170.

.31 Conditions for Range Improvements. The BLM encourages range improvements to achieve resource management objectives.

A. Land-Use Plans. Land-use plans provide guidance for identifying the objectives for resource management and improvement actions on the public lands. Permanent range improvements ordinarily are not placed on public lands when land-use plans indicate that these lands are encumbered or are scheduled for disposal. However, if it is necessary to place range improvements on these lands, a right-of-way must be reserved and recorded under Section 507 of the Federal Land Policy and Management Act of 1976, to ensure protection of the Government's investment.

B. Special Considerations. To the maximum extent feasible, all range improvements must be planned, designed, constructed, and maintained in a way that enhances the broadest possible range of multiple-use values. The installation, construction, reconstruction, or maintenance of range improvements must be consistent with the requirements and objectives established for special management areas such as wilderness areas, wilderness study areas, areas of critical environmental concern, designated recreation areas, off-road vehicle designations, or natural areas. Fencing and water developments are planned to ensure that they either enhance or not degrade fish, wildlife, or wild horse and burro habitat or populations.

C. Environmental Assessment. The authorized officer considers environmental factors through categorical exclusions, programmatic environmental assessments, or site-specific environmental assessments. When an assessment demonstrates that an improvement will not have a significant impact, that improvement may be implemented prior to completion of a grazing EIS.

D. Authorizing Range Improvements. Except for those placed on the public lands exclusively by the BLM, range improvements must be authorized by either a Cooperative Agreement for Range Improvements (Form 4120-6, Illustration 1) or by a Range Improvement Permit (Form 4120-7, Illustration 2). (See 43 CFR 4120.3-1(b).) Removal of range improvements must also be authorized. (See 43 CFR 4120.3-6(a).)

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Range Improvements on Private and State Land. An easement or right of way, using Form 2130-5, Grant of Easement or Right-of-Way, from the appropriate landowners must be obtained before placing BLM-owned range improvements on private or State land. (See Manual Section 2130.1D.)

E. Requiring Range Improvements. The authorized officer may require a permittee or lessee to install range improvements on the public lands in an allotment with two or more permittees or lessees and/or to meet the terms and conditions of an agreement. (See 43 CFR 4120.3-1(d).)

F. Maintenance. Maintenance responsibilities for range improvements are assigned to the primary beneficiary(ies) of such improvements.

G. Range Betterment Funds. Congress directed in the Federal Land Policy and Management Act of 1976 that 50 percent of all monies received by the United States as grazing fees be credited to a separate account in the Treasury. This is the Range Betterment Fund. These funds must be used for on-the-ground rehabilitation, protection, and improvement of the public lands that will arrest rangeland deterioration and improve forage conditions with resulting benefits to wildlife, watershed protection, and livestock production. Range betterment funds are distributed to Districts in proportion to grazing fees collected by each District. State Directors have the latitude to redistribute portions of the range betterment funds in consideration of prior commitments, resource conditions, and investment economy. No limits are set on the percentage of funds that may be redistributed each year, but the amounts received by an office during a 5-year period must equal that District's entitlement for the 5 years. Proposed redistributions, with justification, must be included in the annual work plan (AWP) submission and approved by the Director. The justification must reflect pertinent results of consultation with rangeland users, State and Federal agencies, and other interests.

Grazing Advisory Boards. Where District Grazing Advisory Boards have been established, the authorized officer seeks their advice on the use of range betterment funds. Where District Grazing Advisory Boards do not exist, the authorized officer may consult with range users or other advisory entities on the use of these funds. The use of Advisory Boards is guided by 43 CFR 1784.

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Purpose. Range betterment funds may be used for all forms of rangeland rehabilitation, protection, and improvement, including, but not limited to, seeding, reseeding, fence construction, weed control, water development, and fish and wildlife habitat enhancement. Range betterment funds may be used for installing, modifying, and removing improvements. This includes design, survey, materials, equipment, labor, and supervision of such projects. Use of range betterment funds for other actions or projects is not specifically precluded, but such use must be justified to arrest rangeland deterioration and/or improve forage conditions for wildlife, watershed protection, or livestock production. Range betterment funds must not be used for maintenance of improvements after fiscal year 1984.

.32 Cooperative Agreements. Any person may enter into a cooperative agreement for the installation, use, maintenance, and/or modification of range improvements needed to achieve management objectives. The Cooperative Agreements (Form 4120-6) are used to authorize such improvements. The agreement must specify the division of costs or labor, or both, between the United States and the cooperator(s). Title to structural or removable improvements must be shared by the United States and cooperator(s) in proportion to the actual amount of the respective contribution to the initial construction. Title of nonstructural or nonremovables must be in the United States. (See 43 CFR 4120.3-2.) A cooperative agreement conveys no right, title, or interest in any lands or resources held by the United States. (See 43 CFR 4120.3-1(e).)

A. Signature by Cooperator(s). Cooperative agreements must be signed by the cooperator(s) and approved by the authorized officer prior to inclusion of the project covered by the agreement in the annual work plan.

.33 Range Improvement Permits. Range Improvement Permits (Form 4120-7) are used to authorize range improvements in circumstances where no Federal funds are provided, the improvement is removable, and the benefits are primarily to livestock. (See 43 CFR 4120.3-3(a).) Improvements must meet the same multiple-use and construction standards as those constructed solely or cooperatively by BLM. The permittee or lessee must assume project maintenance. The title to removable range improvements authorized under range improvement permits is in the name of the permittee or lessee. (See 43 CFR 4120.3-3(b).) The use by livestock of stock ponds or wells, or wells authorized by a range improvement permit, must be controlled by the permittee or lessee holding the range improvement permit. (See 43 CFR 4120.3-3(c).) Range improvement permits convey no right, title, or interest held by the United States in any lands or resources and are issued at the discretion of the authorized officer. (See 43 CFR 4120.3-1(e).)

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.34 Standards, Design, and Stipulations. Cooperative agreements and range improvement permits must specify the standards, design, construction, and maintenance criteria for the range improvements and other additional conditions and stipulations or modifications deemed necessary by the authorized officer. (See 43 CFR 4120.3-4.) Where an existing range improvement is significantly inconsistent with established design criteria, the authorized officer may require modification of the cooperative agreement or permit to reflect standards that the improvement must meet.

.35 Assignment of Range Improvements. Permittee or lessee interest in range improvements must be assigned to the new permittee or lessee on Assignment of Range Improvements (Form 4120-8, Illustration 3), when there is a transfer of grazing preference. This form is attached to the Grazing Application - Preference Summary and Transfer (Form 4130-1a). (See H-4130-1.) The grazing regulations require that the transferee agree to pay the transferor the fair market value of the authorized improvements as of the date of the transfer before the assignment can be made. In the absence of an agreement, the authorized officer determines the fair market value of the improvements. (See 43 CFR 4120.3-5.)

.36 Removal and Compensation for Loss of Range Improvements.

A. Removal Authorization. Range improvements must not be removed from the public lands without authorization. (See 43 CFR 4120.3-6(a).) This pertains to range improvements authorized under range improvement permits and to those authorized under cooperative agreements.

B. Ordered Removal. Range improvements which are installed in an unauthorized manner or which are no longer helping to achieve land-use plans or allotment goals and objectives should be removed from the public lands. Where these range improvements are owned by permittees or lessees under the terms and conditions of range improvement permits, the authorized officer may require the permittee or lessee to remove them. (See 43 CFR 4120.3-6(b).) The authorized officer may also require permittees or lessees to remove range improvements installed on the public lands without authorization. Decisions cancelling authorizations and ordering removal of range improvements within a specified time are issued under 43 CFR 4160.

C. Compensation. Cooperators in range improvements are entitled to reasonable compensation from the United States for the adjusted value of their interest in authorized permanent range improvements when grazing permits or grazing leases are cancelled in order to devote the public lands covered by the permit or leases to another public purpose, including disposal. (See 43 CFR 4120.3-6(c).) Permanent range improvements are those which cannot be reasonably removed from the land. Compensation must not exceed the fair market value of the terminated portion of the permittees' or lessees' interest in the range improvements. (See 43 CFR 4120.3-6(c).) When decisions regarding compensation become final, compensation is paid with funds appropriated for that purpose. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value. (See 43 CFR 4120.3-6(c).)

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D. Salvage. When range improvement authorizations are cancelled, the permittees or lessees must be allowed 180 days from the date of cancellation to salvage material owned by them or to perform rehabilitation measures necessitated by the removal. (See 43 CFR 4120.3-6(d).) Extensions may be granted at the discretion of the authorized officer.

E. Reimbursement for Range Improvements. The purchaser of lands to be disposed of is responsible for compensating the permittee or lessee for range improvements on those lands. The authorized officer must ensure that proof of the compensation is provided. If agreement cannot be reached on the value of the range improvements, the authorized officer determines their adjusted value(s).

.37 Contributions. The authorized officer may accept contributions of labor, material, equipment, or money for administration, protection, and improvement of the public lands necessary to achieve the objectives of sound rangeland management. (See 43 CFR 4120.3-7.)

A. Encouraging Contributions. Permittee or lessee involvement in the installation, modification, and maintenance of range improvements through contributions of labor, material, equipment, and/or money is desirable and encouraged. Contributions may also be accepted from other individuals, agencies, or groups for installation, modification, and maintenance of range improvements. The authorized officer may accept contributions under the authority of Sections 9 and 10 of the Taylor Grazing Act and Section 307(c) of the Federal Land Policy and Management Act of 1976. Contributions are accepted on a cooperative basis only and are identified with a specific project or management plan.

B. Requiring Contributions. Contributions for range improvements are only required where urgent problems dictate action and other funding sources do not exist or are not appropriate. Contributions may be required to obtain equitable support from permittees or lessees in a group allotment where the majority of the permittees or lessees support contributions for range improvements, but the minority do not, or enforce the terms of a mutual agreement.

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C. Maintenance Responsibilities. Maintenance of range improvements must be performed in a timely manner to assure that improvements remain in a usable condition and serve the purpose for which they were intended. The authorized officer may require permittees or lessees to maintain and/or modify range improvements used in connection with all livestock operations on the public lands. (See 43 CFR 4120.3-1(c).)

Assigning Maintenance Responsibilities. The authorized officer should assign the responsibility for maintaining structural range improvements to the primary beneficiaries of the improvements so that those receiving the benefits share in the costs. Permittees, lessees, or other individuals, groups, corporations, or associations deriving direct and significant benefits from structural improvements are assigned maintenance responsibilities. Significant benefits constitute 50 percent or more of the benefits received. Where less than half of the benefits are attributable to a single use, but substantial benefits are received by one or more user, maintenance responsibilities should be negotiated on a proportionate cost basis. In most cases, BLM assumes maintenance responsibilities for nonstructural improvements. Cooperative agreements documenting shared maintenance responsibilities must clearly depict each cooperators proportionate costs. When maintenance responsibilities have been assigned to a permittee or lessee, either through agreement or by decision, the requirement is stipulated as a term and condition on a grazing permit or lease. Failure to maintain the improvement in a usable condition may be cause for cancellation of the grazing permit or lease under 43 CFR 4160.

Operation Costs. Permittees or lessees usually are responsible for providing costs for the operation and use of range improvements. If the authorized officer requires the operation of range improvements when the permittee or lessee would not normally use the improvement for livestock management (i.e., water developments in rest pastures, or range improvements only used by livestock during seasonal grazing periods) operation costs are shared on a proportionate basis.

Reconstruction Costs. Providing costs for reconstruction of range improvements is the responsibility of the owner of the range improvement, unless reconstruction is required due to failure of the cooperator to perform maintenance as agreed, in which case the cooperator must provide the costs of reconstruction.

Modification Costs. Costs of modifying a range improvement are the responsibility of the party requesting the modification.

Vandalism. Costs for maintenance due to vandalism are the responsibility of the owner of the range improvement.

D. Documenting Contributions. Contributions are documented by a Proffer of Monetary Contribution (Form 4120-6, Illustration 4) and deposited in the 7100 account.

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.38 Priorities for Investments in Range Improvements. The authorized officer must invest appropriated funds in a cost-effective and orderly manner according to established priorities.

A. First Priority for Investments. Appropriated funds available for investment in range improvements (other than range betterment funds after FY 1984) must be allocated first to the maintenance of improvements that continue to serve a valid purpose or objective and for which the authorized officer has maintenance responsibility.

B. Second Priority for Investments. The second priority for investment of appropriated funds in range improvements is for the design, construction, and maintenance of new range improvements that conform to a specific activity plan for the area. Once an AMP is incorporated into a permit or lease, a mutual commitment exists between the BLM and permittee, lessee, or other cooperator to full operation of the plan. Appropriated funds in subsequent years should be available for the full operation of implemented plans.

C. Exceptions. On a case-by-case basis, the authorized officer may make exceptions to the established priorities for investing appropriated funds.

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.4 Cooperation in Management. The authorized officer should work with the appropriate county, State, and national organizations and other public and private agencies and individuals to provide cooperative rangeland management on intermingled public, private, and State land. The authorized officer should maintain an exchange of information with other government agencies and with all institutions and organizations that are interested in management of rangeland resources. Coordinated resource management plans are an excellent tool for obtaining cooperation with other agencies and interest groups.

.41 Cooperation with Associations of Stockmen. The authorized officer recognizes and cooperates with organized groups of stockmen. Such groups are often useful in assisting with range improvement work, coordinating the exchange of information on resource conditions and needs, controlling unauthorized grazing use, arbitrating disputes on bulls or age of young livestock, and coordinating the handling of livestock such as movement between pastures in accordance with a grazing system.

A. Local Associations of Stockmen. Grazing permittees and/or lessees may organize local associations based on community, area of use, or other common interests. As appropriate, the authorized officer continues to recognize those associations organized in the past to aid in the orderly administration of the public lands.

B. Farmers Home Administration (FHA) Grazing Associations. Cooperation with these associations is subject to the overall Agency Memorandum of Understanding (MOU) between BLM and FHA at the National level, and the MOU developed between BLM, FHA, and the grazing association at the local level.

C. Cooperative State Grazing Districts. Cooperative State Grazing Districts are unique to Montana. These Districts were established under the Grass Conservation Act passed by the Montana State Legislature. The BLM relationships with these Districts are governed by an MOU signed by the BLM State Director of Montana and the Director of the Montana Department of Natural Resources and Conservation. Individual cooperative agreements may be signed with each cooperative State grazing District by the appropriate District Manager. These cooperative agreements provide an opportunity to identify and cope with unique operational problems peculiar to individual State Districts.

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.42 Cooperation with Government Agencies.

A. Federal Agencies. Agencywide MOU's between the BLM and other Agencies and entities may be entered into by the Director.

Local Agency MOU's. State Directors may enter into local MOU's with their counterparts in other Federal Agencies. Such MOU's must be consistent with Agencywide MOU's and with BLM and Departmental policy. State Manual supplements should contain all local Agency MOU's pertaining to grazing administration.

Administration of Withdrawn Lands. Lands under the jurisdiction of other Federal Agencies are occasionally administered for grazing by the BLM. The withdrawing order (usually Departmental) specifies policies for grazing administration and the agreements developed with the holding Agencies specify lease or permit stipulations required. At the very minimum, each grazing lease or permit involving withdrawn lands must provide for cancellation, if required by the holding Agency.

B. State, County, and City Governments. Where necessary, MOU's may be developed to support cooperative management with State, county, and city governments. State Manual Supplements may contain all cooperative agreements and memorandums developed with the State, county, and city governments pertaining to grazing administration.

.43 Cooperation with National, State, County, and Local Rangeland User Organizations.

A. National and State. The Director and State Directors, or their representatives, should maintain close working relationships with State and national rangeland user organizations.

B. County and Local. District Managers and Area Managers should work with county and local rangeland user organizations to promote a cooperative approach to public rangeland management.

.44 Interdistrict Cooperation. Districts may develop agreements to solve grazing and related problems which occur along common boundaries.

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.45 Cooperative Management Where no Forage Is Allocated to Livestock.

A. Conditions. Areas where forage is present, but is allocated to uses or values other than livestock grazing, may require special consideration for cooperation in management. For example, this situation may develop where small amounts of public lands are scattered among privately controlled lands and wildlife or other resource values or needs are high. If the surrounding privately controlled lands are grazed by livestock and it is impractical to fence or otherwise exclude livestock from the public lands, a management agreement may be negotiated with the livestock operator.

B. Management Agreements. Such agreements should reserve the vegetation on the public lands for the specific purpose identified in the land-use plan, recognize that some incidental livestock grazing may occur on the public lands, provide for specific actions by the livestock operator which will mitigate the effects of the livestock grazing on the value for which the allocation was made, include a provision for monitoring to ensure the rangeland condition prescribed in the agreement is achieved and/or maintained, and provide for cancellation or modification, as appropriate. No grazing permit or lease is issued and no grazing fee is charged.

H-4120-1 - GRAZING MANAGEMENT

.51 Special Rules. Special conditions may be encountered in the field which cannot be resolved satisfactorily under existing regulations and which would not be general enough in character to warrant an amendment to the regulations. When local conditions warrant, State Directors may recommend the adoption of a special rule to achieve resource management objectives. (See 43 CFR 4120.4.)

.51 Initiation of Special Rules. A special rule may be proposed initially by Area or District Managers who have identified unique or unusual situations which are not adequately covered under the grazing administration regulations.

A. Recommendation to Director. If a State Director determines that a special rule is necessary, a recommendation must be submitted to the Director. The recommendation must include a thorough analysis of the situation which requires a special rule with a discussion of alternatives and the proposed wording for the special rule. It also must contain a suggested public review strategy.

B. Director's Approval. A State Director's recommendation must be approved by the Director before further action.

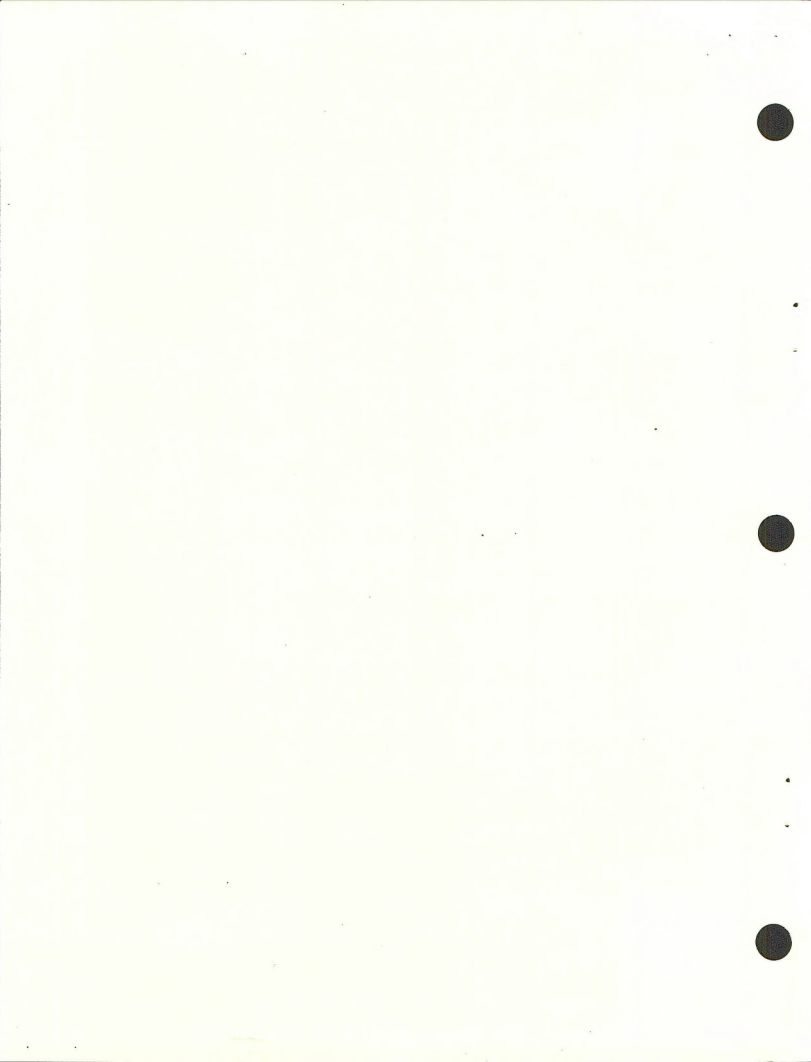
.52 Proposed Rulemaking. The proposed special rule must be published in the Federal Register as proposed rulemaking, allowing at least 60 days for public review and comment. Notice must be published in a newspaper (local area) during the 60-day period.

.53 Public Review and Analysis of Comments. Ample opportunity must be provided for public review and comment. State Directors may hold public meetings and make contacts with user groups or individuals as appropriate during the 60-day comment period. The adequacy of public comment and the content of the comments received must be fully reviewed and analyzed before proceeding to final rulemaking.

.54 Final Rulemaking. The Director must be furnished with a report on the public meetings, an analysis of the comments received locally on the proposed rulemaking, the State Director's recommendation regarding the adoption of the rule, any other information pertinent to the proposed special rule. When approved by the Director, the special rule is published in the Federal Register as final rulemaking. The State Director gives the final rulemaking such local publicity as is appropriate, including publicizing the special rule in newspapers within the local area affected by the rule. Permittees or lessees authorized to graze within the area affected by the special rule must be furnished copies of the rule.

H-4120-1 - GRAZING MANAGEMENT

.55 Implementation of Special Rules. On the date stated in the Federal Register final rulemaking publication, the rule becomes effective and action may be initiated. State Directors may hold public or user group meetings and contact individuals, as necessary, to implement a special rule. Copies of the rule are sent to those authorized to graze livestock in the area affected by the special rule.



H-4120-1 - GRAZING MANAGEMENT

Cooperative Agreement for Range Improvements

Form 4120-6
(January 1982)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

COOPERATIVE AGREEMENT
FOR RANGE IMPROVEMENTS

FORM APPROVED
OMB NO. 1004-2061
Expires January 31, 1983

FOR BLM USE ONLY

State	02
Office	025
Expires 5/31/90	EXTENDED TO
Job Number(s) 40836	

INSTRUCTIONS - Cooperator(s) to receive original, and one copy each to the District case or lease file and District job file.

Job Name(s)
Lincoln Hills Pasture Fence

1. I, (We) George Mason of Kingman, Arizona
Phillip Montgomery of Kingman, Arizona
of
and of

hereinafter called cooperator(s) and the United States of America, by the Bureau of Land Management, hereinafter called the Bureau, for and in consideration of the mutual benefits hereunder, and in accordance with the Taylor Grazing Act (43 U.S.C. 315, 315a-), as amended, the National Soil Conservation Act (16 U.S.C. 590a-q(1)), as amended, the Federal Land Policy and Management Act (43 U.S.C. 1701, et. seq.), and the Public Rangelands Improvement Act (43 U.S.C. 1904) do enter into this cooperative agreement for the construction and/or maintenance of range improvements, installation of conservation works or establishment of conservation practices, hereinafter referred to collectively as improvements, for the benefit of the public lands and of the cooperator(s).

2. The improvements known as the Lincoln Hills Pasture Fence

☒ will be ☐ are located upon: $\frac{1}{4}$ Sec(s). 8, 16, 17 T. 36N R. 8W
Salt River Meridian, County of Mohave, State of Arizona

3. IT IS MUTUALLY AGREED:

(a) The parties hereto will furnish labor, materials, and equipment as required, the total cost or value not to exceed the amount listed below for each of the parties respectively for the initial construction and/or installation of the improvements indicated in paragraph 2.

NAME(S) OF COOPERATOR(S)	ITEMS	TOTAL COST OR VALUE
<u>George Mason</u>	<u>materials, labor & equip. for 1/4 mile fence</u>	<u>1500.00</u>
<u>Phillip Montgomery</u>	<u>materials, labor & equipment 1/4 mile fence</u>	<u>1500.00</u>
BUREAU OF LAND MANAGEMENT		
	AGGREGATE COST	<u>\$ 3000.00</u>

H-4120-1 - GRAZING MANAGEMENT

Cooperative Agreement for Range Improvements

(b) Upon notice from the authorized officer of the Bureau, cooperator(s) will promptly supply labor, materials, and equipment as specified in paragraph 3(a) as required. Contributed materials in excess of the amount required shall be returned to the contributor. Equipment contributed shall be returned promptly following completion of the work. Work will be conducted under the supervision and direction of the authorized officer and shall be pursued with diligence until completed.

4(a) The cooperator(s) shall be liable, jointly and severally, for the repair and maintenance of the improvements following completion, in good and serviceable condition. The cooperator(s), without further notice from the authorized officer shall do the necessary work promptly. If work is not performed as necessary, the authorized officer shall notify the cooperator(s) and specify a period within which to complete the work as required.

(b) In event the cooperator(s) default in the repair and maintenance of the improvements the authorized officer may do or cause such work to be done for and in behalf of the cooperator(s); and the necessary cost and expense thereof shall become a charge and obligation upon and shall be paid by the cooperator(s). It is further understood in case of default that any grazing permit or lease may be cancelled and may not be renewed or extended or any assignment thereof may not be approved unless and until all charges and costs owed by the cooperator(s) hereunder shall have been paid; and provided that the Bureau may pursue such other remedies, legal or administrative, as may be authorized.

(c) Repair and maintenance, as herein required, shall mean normal upkeep and maintenance necessary to preserve, protect, and prolong the useful life of the improvements, but shall not include major repairs where the damage is due to floods, earthquakes, or other acts of God, or fire not the result of fault or negligence of the cooperator(s) as determined by the authorized officer.

5. IT IS FURTHER AGREED:

(a) Title to the said improvements in place, together with all labor and materials furnished by either party and used in the construction and maintenance thereof, shall be in the United States of America. The improvements may be removed, in whole or in part, during the term of this agreement or any extension thereof, by mutual consent of the parties or by direction of the authorized officer; such removal shall be made by the cooperator(s), or by the Bureau at its option. Upon removal of the improvements, any salvageable materials, after deducting an amount to compensate for the actual cost of removal, shall be available for distribution to the parties then subject to this agree-

ment in proportion to the actual amount of their respective contributions to the initial construction of the improvements. The parties shall take possession and remove their portion of the salvaged materials within one hundred and eighty (180) days after first notification in writing that such material is available; upon failure to do so within the time allowed, the materials shall be deemed to have been abandoned and title thereto shall thereupon vest in the United States.

(b) During the course of salvaging material, the United States assumes no responsibility for the protection or preservation of said material.

6. If the cooperator(s) shall assign or transfer any grazing permit or lease embracing the lands upon which the improvements are constructed or in connection with which they are used, the cooperator(s) shall include in such assignment or transfer his interest in this Cooperative Agreement. Before the assignee or transferee will be recognized as successor to the cooperator(s)'s interest hereunder, such assignee or transferee will be required by the authorized officer to accept an assignment of this agreement and agree to be bound by the provisions respecting the use and maintenance of the improvements.

7. The cooperator(s) use of the improvements will be in conformance with any special conditions, the grazing permit(s) or lease(s), and regulations of the Secretary of the Interior.

8. This agreement shall not accord to cooperator(s) any preference, privilege, or consideration with respect to any grazing permit or lease not expressly provided herein or in the rules and regulations governing such grazing permit or lease.

9. Items 2, 3, and 4(a) of this agreement may be modified or cancelled by written agreement of the parties, which agreement shall become a part hereof.

10. This contract is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the nondiscrimination clauses. A copy of this order may be obtained from the authorized officer.

11. This agreement shall remain in effect indefinitely from date of signature unless (1) sooner terminated by mutual written consent of parties, or (2) is terminated by the authorized officer after notice in writing because of the cooperator(s) default or violation, or (3) is terminated by the authorized officer after notice in writing because the improvements are not compatible with adopted land use plans or classification under the public land laws.

H-4120-1 - GRAZING MANAGEMENT

Cooperative Agreement for Range Improvements

12. Special conditions

This fence shall be constructed with: metal posts placed 16-1/2 feet apart; stretch panels with wood posts at least every one-fourth mile; gates at each of the two places where roads cross the fenceline and at each end of the fence; one wire stay between posts; and four barbed wires spaced 16, 6, 8, and 12 inches from the ground up, with the top wire no higher than 42 inches above the ground.

The fence will be built along a line to be flagged by BLM personnel in consultation with Mr. Mason and Mr. Montgomery and will be completed no later than September 15, 1980. Mr. Mason will be responsible for initial construction and maintenance of the more northerly 3/4 mile of fence beginning at the SW corner of the NE 1/4 NE 1/4 of Section 17 and ending at approximately the center of Section 8. Mr. Montgomery will be responsible for the more southerly 3/4 mile of fence beginning at the SW corner of the NE 1/4 NE 1/4 of Section 17 and ending at approximately the NE corner of the SW 1/4 SW 1/4 of Section 16.

COOPERATOR(S)

THE UNITED STATES OF AMERICA

George Mason 5/31/80 State of Arizona
(Signature) (Date)

Phillip Montgomery 5/31/80 District Phoenix
(Signature) (Date)

By Robert G. Monroe
(Signature) (Date) (Signature)

Area Manager
(Signature) (Date) (Title)

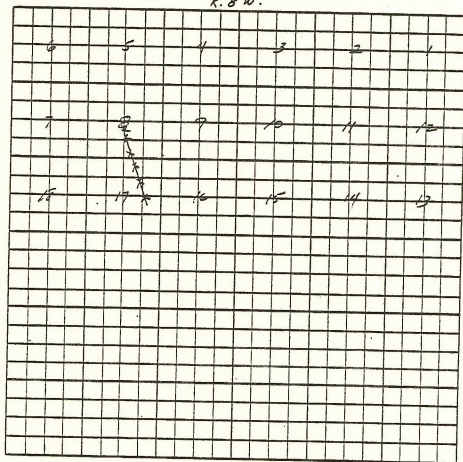
5/31/80
(Signature) (Date) (Date)

H-4120-1 - GRAZING MANAGEMENT

Cooperative Agreement for Range Improvements

LOCATION PLAT

R. B. W.



Scale: inches equals one mile

1. Information is collected to document the specific participation of each cooperator in the range improvement project to be accomplished. This information includes the location by legal description, and the kind and amount of participation such as labor, materials, maintenance, or funds.
2. The information is used in the form of an agreement to participate. By signature, each cooperator agrees to participate in the manner specifically described on the cooperative agreement form.
3. Participation in cooperative agreements is voluntary and are focused on range improvement projects designed to improve range conditions or facilitate the use of rangeland resources by livestock. Once the agreement is signed, the agreed upon participation is required.

GPO 555-618

H-4120-1 - GRAZING MANAGEMENT

Range Improvement Permit.

Form 4120-7
(November 1983)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RANGE IMPROVEMENT PERMIT

Sections 4 and 15 of the Taylor Grazing Act, Section 11 of the
Alaska Grazing Act, and Section 302 of the Federal Land
Policy and Management Act

FORM APPROVED
OMB NO. 1004-0019
Expires July 31, 1983

FOR BLM USE ONLY

State	UT
Office	044
Grazing Record No.	4435
Allotment No.	4962
Job Number Assigned	8971
Date filed	

Name (last, first, middle initial) Harold M. Recker Address (include zip code) P.O. Box 847
Bedon City, Utah 84720

Applies for a permit to ☒ construct, maintain, and use ☐ maintain and use in connection with his authorized grazing privileges, the following-described improvement on public lands.

Corral - Approximately 200' x 100'

The purpose, need, and use for such improvement is as follows:

To handle cattle (brand, vaccinate, etc) when moved from pasture to pasture

The improvement is to be located in N¹/₄ N¹/₄ E¹/₄ NW¹/₄

Section 5, Township 16S, Range SW Meridian, County of Iron, State of Utah The location is shown on the diagram on the reverse hereof. Specifications for the improvement accompany this application.

☒ Estimated cost of improvement is: \$ 200.00, labor: \$ 200.00, material which will be paid or furnished by the applicant.

☐ Estimated present value of the improvement is \$

A permit is hereby issued subject to the following conditions:

1. The permit shall cover only such portions of range improvements as are actually located upon public lands.
2. The permit does not convey right, title, or interest in any lands or resources held by the United States.
3. The permit is subject to cancellation in whole or in part if the lands or portions thereof are disposed of or devoted to a public purpose which precludes livestock grazing.
4. The permittee will be responsible for properly maintaining the improvement in good working order and in an aesthetic state. The permittee will comply with the laws of the State within which the improvements are located.
5. Any public lands or impounded waters will be available for wildlife use and open to the public for hunting and fishing in accordance with State regulations. Such lands and water will also be open for other authorized public use to the extent that such use is consistent with the multiple-use management objectives for the area.

6. Compliance by the permittee with the construction specifications attached and any special condition made a part of the permit. Special conditions and/or specifications attached: ☐ Yes ☒ No.

7. The permit is subject to modification or cancellation if the improvement no longer serves the purpose for which it was installed or if the improvement is not compatible with the multiple-use objectives for the area. The permit is subject to cancellation if the permittee does not comply with the regulations under which the improvement is authorized.

8. If the permit is for construction of any improvement, it shall become void without further notice if it is not completed by

8/15/84

Within thirty (30) days after completion of the improvement, the permittee must advise the authorized officer in writing: (a) the date the job was completed; and (b) the cost of the job, specifying separately the cost of labor and materials.

9. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which set forth the nondiscrimination clauses. A copy of this order may be obtained from the authorized officer.

Signature of Applicant Harold M. Recker

Date 5/15/84

Title is U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Approved by Authorized Officer [Signature]

Date issued 5/29/84

(Continued on reverse)

H-4120-1 - GRAZING MANAGEMENT

Range Improvement Permit

On unsurveyed lands, use U.S.G.S. quadrangles, sketch maps, etc., as attachment to show improvement location

LOCATION PLAT

Sec. 5 T. 16S R. 5W Salt Lake Mer.

Scale 4 inches equals one mile

TO BE FILLED IN UPON COMPLETION OF IMPROVEMENT

This improvement has been completed satisfactorily on 5/25/1984, at a cost of \$ 186.00 for materials and \$ 120.00 for labor, in accordance with conditions of the permit.

Date of inspection 6/3/84	Signature of Inspecting Officer Wm. M. Farrell, Ray, Constructionist	Job number assigned 8971
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INSTRUCTIONS

Application must be typed or printed plainly in ink. Submit in triplicate (3) to the Bureau of Land Management District Office. Upon approval of the application, the original is returned to the applicant and one copy each to the District case file and to the District job file.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this permit.

AUTHORITY: 43 U.S.C. 315, 316, and 1181d.

PRINCIPAL PURPOSE: The information is to be used to process this application.

ROUTINE USES: (1) The determination of the applicant's requirements and meet to construct or maintain improvements on public lands. (2) Documentation for public information in support of

notations made on land status records for the management, disposal, and use of public lands and resources. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, this application may be rejected.

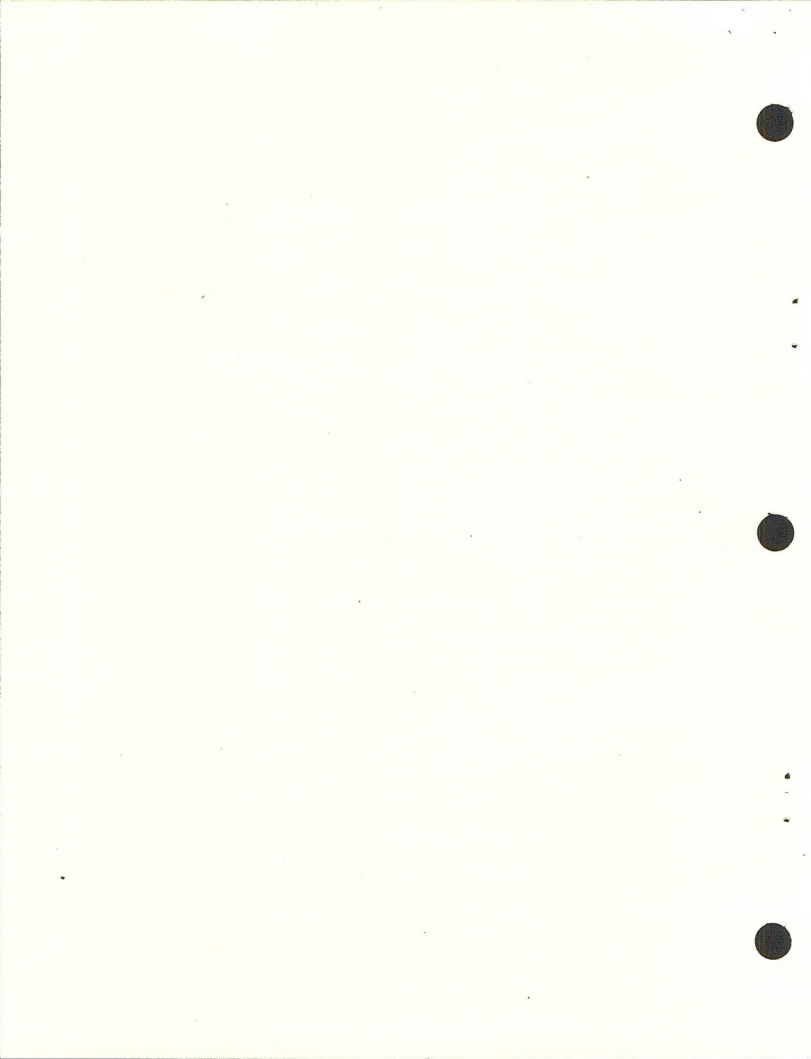
The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that:

Information is being collected to document the purpose, need, and other information for construction for construction of range improvements on the public lands.

Information will be used to authorize the construction, maintenance, and use of range improvements.

Response to this request is voluntary.

JPO 641-027



H-4120-1 - GRAZING MANAGEMENT

Proffer of Monetary Contribution

Form 4120-2
(January 1980)
(Formerly 7120-2)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PROFFER OF MONETARY CONTRIBUTION

State **AZ**
Office **014**

INSTRUCTIONS

Submit one copy to each contributor, District grazing case file, and District job file.

I. Name(s)	Address(es) (include zip code)
<u>Peter H. Kaufman</u>	<u>P.O. Box 372</u> <u>St. George, Utah 84770</u>
<u>Percy A. Morgan</u>	<u>1025 Central Ave.</u> <u>St. George, Utah 84770</u>

do hereby contribute the sum of \$ 500.00 to the Bureau of Land Management. Contributions are made under the provisions of Section 9 of the Taylor Grazing Act (43 U.S.C. 315h), as amended, and Section 307(c) of the Federal Land Policy and Management Act (43 U.S.C. 1737). Specifically this contribution is for the purpose of*

adding one 10 ft. ring tank and 200 ft. of plastic pipe
to the Red Rock Pipeline to provide water to the
Willow Pasture of the Cottonwood Allotment

II. The unexpended balance, if any, remaining after completion of the work described in the paragraph above shall be:

- ☒ Returned to the contributor(s)
☐ Used for general purposes*

III. Contribution, made payable to the Bureau of Land Management, is attached in the form of (specify check, money order, etc.)

check

Signature of Contributor <u>Peter H. Kaufman</u>	Title (as applicable) <u>Partner</u>	Date <u>6/17/79</u>
Signature of Contributor <u>Percy A. Morgan</u>	Title (as applicable) <u>Manager, Four Star Ranches</u>	Date <u>6/17/79</u>
Signature of Contributor	Title (as applicable)	Date
Signature of Contributor	Title (as applicable)	Date
Signature of Contributor	Title (as applicable)	Date

Accepted in behalf of the Secretary of the Interior for deposit in the Treasury of the United States and for expenditure for the purpose specified herein

Signature of Authorized Officer
Paul E. Wright

Title
District Manager

Date
6/17/79

*Contributions for general purposes are accepted to help pay for the expenses of construction or application of conservation and range improvement projects in general, or for the payment of expenses incident to the administration, use, protection, and improvement of lands in the district where this contribution is received. Such contributions shall not be used for specific administrative purposes, such as the

payment of salaries of named individuals or positions, or the performance of specific functions by such individuals, or the maintenance of offices at particular locations unless approved by the Director. The contribution shall not be used for any purpose at variance with existing Bureau policy, regulation, or law regarding the development, conservation, and use of the public lands.

